Physical Restraint Policy for:

MATCH CHARTER PUBLIC SCHOOL

Purpose and Background

Match Charter Public School ("Match") is required to follow the provisions of 603 CMR 46.00, promulgated by the Massachusetts Department of Elementary and Secondary Education ("DESE") pursuant to M.G.L. c. 69, § 1B, and c. 71, § 37G, which regulates the use of physical restraint on students in Massachusetts public school districts, charter schools, collaborative education programs, virtual schools, and special education schools. For purposes of 603 CMR 46.00 and this policy, the Board of Trustees designates the principal of each Match school to serve as principal.

The purpose of 603 CMR 46.00 is to ensure that every student participating in a Massachusetts public education program is free from the use of physical restraint that is inconsistent with 603 CMR 46.00. Physical restraint shall be used only in emergency situations of last resort, after other lawful and less intrusive alternatives have failed or been deemed inappropriate, with extreme caution and in the least intrusive manner possible. Staff must prevent or minimize any harm to the student as a result of the use of physical restraint. Match will review this policy and its accompanying procedures annually, provide them to all Match staff, and make them available to parents of enrolled students.

Other Strategies to Calm Students

Physical restraint is an emergency procedure which should be used only as a last resort. There are a number of other calming techniques Match staff should use first, including verbal de-escalation, brief physical contact to promote student safety, redirecting attention, or a temporary touching or holding, without the use of force, of the hand, wrist, arm, shoulder, or back for the purpose of inducing a student who is agitated to walk to a safe location ("physical escort").

Use of Time-Out Rooms

Another strategy to calm students is utilizing a time-out room or calm-down room. Match only uses time-out rooms as a behavioral strategy in very limited circumstances. Match strongly values providing students with maximum opportunities to learn alongside their peers, puts proactive strategies in place to help students self-regulate, and utilizes time-outs as a strategy when other supportive and inclusive strategies have not been effective.

In the limited circumstances in which the use of a time out room is determined to be a necessary behavioral strategy, it will not meet the definition of a seclusion for purposes of a physical restraint. The use of a time out shall meet the following conditions:

- The time-out is used as a behavioral support strategy
- Student temporarily separates from the learning activity or the classroom either by choice or by direction from staff for the purpose of calming down in an unlocked setting from which the student is permitted to leave
- Student is continuously observed by a staff member who is with the student, engaging and reassuring the student, who is familiar with the policies relating to time-outs, and who is familiar with the student and the student's need; or if it unsafe for the staff member to be present in the room, the staff member and a behavioral support professional shall be immediately available to the student at all times, continuously observe the student in all parts of the room to make sure they are safe and feel supported, and as needed, obtain additional support from the school's crisis intervention team, the mobile crisis team, or the student's parents or guardians
- Space used for time-out must be clean, safe, sanitary and appropriate for the use of calming for the specific age and needs of the student, have appropriate lighting and ventilation, be heated or cooled consistent with the remainder of the building, free of objects or fixtures that are inherently dangerous to the student, have a comfortable and safe place for students to sit, be regularly cleaned, be sufficiently large to allow comfortable movement within the room, not take place in spaces such as closets, storage rooms and copy

rooms, comply with any applicable local fire and building code requirements, and comply with any other standards listed by DESE in guidance, and otherwise satisfy the requirements of 603 CMR 46.07(1).

- Time-out ceases as soon as the student has calmed
- Principal approval must be obtained by a staff member when a time-out lasts longer than 30 minutes due to the student's continued agitation. The principal will consider the individual circumstances and whether the student continues to be agitated to determine whether such approval will be given, and may consult with the student's parents or guardians, the student's support team, behavioral support professional at the school or other relevant school personnel when deciding whether to approve a time out that lasts longer than 30 minutes. If a staff-administered time-out lasts half of the time that a school day is in session or longer, such lost class time is treated as an in-school suspension for purposes of student discipline laws (see, Student Discipline Policy).

Procedures for Using a Time Out Room

Before Match uses a time out room as a behavioral support strategy for a student, school personnel will make efforts to have discussions with the student's parents or guardians and carefully consider the advantages and disadvantages of utilizing a time out room as a behavioral support strategy for that particular student and any alternatives that may be effective for the student. A variety of factors will be considered, such as the age of the student, the student's individual needs, the social and emotional impact of being separated from peers, any history of trauma which may counter-indicate the use of a time out room, and any alternative behavioral supports that have been or may be effective at helping the student calm. School personnel will collaborate closely with parents or guardians and answer any questions related to the use of the time out room. If the student has disabilities, the IEP Team will make the foregoing considerations and decisions collaboratively with the student's parents or guardians.

If the use of a time out room appears to exacerbate the student's behavior or has not helped the student calm, other support strategies will be attempted. Match will document each time a time out room is used in the same manner that it maintains restraint data, which will include all of the information included in the DESE Time Out Room Log.

Match will promptly verbally notify the student's parents or guardians of the use of the time out room within 24 hours of the use of the time out room (and ideally before the student returns home from school), and efforts will be made to provide written notice within three (3) school-working days, unless otherwise agreed to by the parents or guardians. Match will also de-brief with the student following the use of the time out room in order to allow the student to provide insight into the underlying causes of behavior, to identify their feelings, discuss de-escalation strategies that may work better for them in the future, and identify strategies that may have helped avoid the situation.

Administrative Review of Time Out Rooms

On a weekly basis, the principal shall conduct a weekly review of time out room data. The principal should consider the following when reviewing the data:

(a) whether the time-out room is being repeatedly used for the same student(s);

(b) whether the time-out room is being used for periods longer than 30 minutes;

(c) whether there are multiple uses of the time out room for students from the same classroom;

(d) whether the same teachers or staff are repeatedly initiating the use of the time out room;

(e) whether the time-out room is being used more frequently for students with particular demographics, such as race, gender, or ethnicity.

If so indicated, the principal may convene a team or teams to discuss a student's individual needs, assess how the use of time outs has impacted the student's behavior and social emotional wellbeing, and discuss other potential

interventions. The principal shall further consider whether staff requires additional training on evidence-based alternatives to the use of time out rooms as a behavior support strategy.

On a monthly basis, the principal shall review all school-wide time out room data, and consider patterns of use with particular groups of students.

What is Physical Restraint?

Physical restraint is direct physical contact that prevents or significantly restricts a student's freedom of movement. Physical restraint does not include brief physical contact to promote student safety, providing physical guidance or prompting when teaching a skill, redirecting attention, providing comfort, or physical escort.

When May Physical Restraint be Used?

School personnel shall use physical restraint only as an emergency procedure of last resort when:

(a) the student is not responsive to directives or other lawful and less intrusive behavior interventions, or such interventions are deemed to be inappropriate under the circumstances, and
(b) the student's behavior poses a threat of assault, or imminent, serious, physical harm to self and/or others.

Physical restraint shall not be used:

(a) As a means of discipline or punishment
(b) As a response to destruction of property, school disruption, refusal to comply with school rules, or verbal threats that do not constitute a threat of serious physical harm
(c) When the student cannot be safely restrained because it is medically contraindicated for reasons including, but not limited to, asthma, seizures, a cardiac condition, obesity, bronchitis, communication-related disabilities, or risk of vomiting
(d) As a standard response for any individual student, including as a standard response included in a student's IEP

Except as expressly provided in this policy, in no event shall the following forms of restraint be used:

(a) Medication restraint, which is the administration of medication to temporarily control behavior, except in the event that such medication is prescribed by a licensed physician and authorized for use in school by the parents.
(b) Mechanical restraint, which is the use of a device or equipment to restrict a student's freedom of movement, except for devices used for the specific and approved positioning or protective purposes for which such devices were designed.
(c) Seclusion, which means the involuntary confinement of a student alone in a room or area, with or without adult supervision, from which the student is not permitted to leave, except in the limited emergency circumstances permitted by 603 CMR 46.07(2) and described in the section of this policy titled "Emergency Use of Seclusion."
(d) Prone restraint, when a student is placed face-down on the floor or another surface and physical pressure is applied to the student's body to keep the student in the face-down position, except in the limited circumstances permitted by 603 CMR 46.03(1)(b) and described in this policy.
(e) Physical restraint in a manner inconsistent with 603 CMR 46.00 or this policy.

Nothing in 603 CMR 46.00 shall be construed to:

(a) Limit the protection afforded publicly funded students under other state or federal laws, including those laws that provide for the rights of students who have been found eligible to receive special education services;
(b) Preclude any employee or agent of Match from using reasonable force to protect students, other persons, or themselves from assault or imminent, serious, physical harm;

(c) Prohibit the exercise of an individual's reporting responsibilities as a mandated reporter of child abuse or neglect (see, Child Abuse and Neglect Policy); or
(d) Limit the right of an individual to report to the appropriate authorities a crime committed by a student, or the right of law enforcement, judicial authorities or school security personnel from physically detaining a student alleged to have committed a crime or otherwise posing a security risk.

Permitted Use of Prone Restraint

Prone restraint is prohibited at Match except on an individual student basis, and only under the circumstances permitted by 603 CMR 46.03(1)(b). Prone restraint may be used only if all of the following conditions are met:

(a) The student has a documented history of repeatedly causing serious self-injuries and/or injuries to other students or staff;
(b) All other forms of physical restraint have failed to ensure the safety of the student and/or the safety of others;
(c) There are no medical contraindications as documented by a licensed physician;
(d) There is psychological or behavioral justification for the use of prone restraint and there are no psychological or behavioral contraindications, as documented by a licensed mental health professional;
(e) Match has obtained consent to use prone restraint in an emergency as set out in 603 CMR 46.03(1)(b), and such use has been approved in writing by the principal; and
(f) Match has documented compliance with paragraphs (a) through (e) above in advance of the use of prone restraint and maintains the documentation.

Prone restraint is a floor restraint. It may be administered only by staff members who have received in-depth training in the use of physical restraint and who, in their judgment, determine that the method is required to provide safety for the student or others present. Every prone restraint remains subject to the requirements of this policy and 603 CMR 46.05 governing the proper administration of physical restraint, including the safety, monitoring, duration, principal approval, reporting, and follow-up requirements.

Match will not condition admission or continued enrollment upon agreement to the proposed use of any restraint.

Emergency Use of Seclusion

Seclusion is prohibited at Match except in an emergency situation as a last resort on an individual student basis, where a student's behavior poses an imminent threat of assault, or imminent serious physical harm to self or others, and only if all of the following conditions set out in 603 CMR 46.07(2) are met:

(a) The student has a documented history of repeatedly causing serious self-injuries and/or injuries to other students or staff;
(b) The student is not responsive to directives or other lawful and less intrusive behavior interventions, or such interventions are deemed to be inappropriate under the circumstances;
(c) Other forms of interventions have failed to ensure the safety of the student and/or the safety of others;
(d) There are no medical contraindications as documented by a licensed physician;
(e) There is psychological or behavioral justification for the use and there are no psychological or behavioral contraindications, as documented by a licensed mental health professional;
(f) Match has obtained consent to use seclusion in an emergency situation from the student's parent and, if appropriate, the student, and such use has been approved in writing by the principal;
(g) Any individual using seclusion has received training about alternative behavior interventions and management techniques;
(h) Match has documented compliance with paragraphs (a) and (d) through (g) above in advance of its use and maintains the documentation;
(i) At all times during the emergency, a staff member is continuously and actively monitoring and observing the student and is immediately available to the student;
(j) The student is observable in all parts of the room or area being used;

(k) The staff member continues to use de-escalation and calming strategies with the student unless it is unsafe or counterproductive for the purposes of calming the student;
(l) Seclusion is not used as a means of discipline or punishment, or as a standard response for any individual student's actions that do not constitute an imminent threat of assault, or imminent serious physical harm to self or others;
(m) Seclusion is used only in an emergency situation of last resort and its use ceases as soon as the student's behavior no longer poses a threat of assault or immediate serious physical harm to the student or others, or if the student is observed to be in severe distress, such as having difficulty breathing; and
(n) Any room or space used for seclusion meets the requirements for time-out rooms set out in this policy and 603 CMR 46.07(1), and is inspected by Match for compliance with those requirements at least one time per week during any week in which the room or area is used.

Match will not condition admission or continued enrollment upon agreement to the proposed use of any restraint or seclusion. No written individual behavior plan or IEP may include the use of seclusion as a standard response to any behavior.

Procedures for the Emergency Use of Seclusion

If seclusion is used, Match will follow the procedures required by 603 CMR 46.07(3):

(a) Principal approval must be obtained if seclusion is used for a period longer than 30 minutes;
(b) Match will make reasonable efforts to notify the student's parent of its use within the same timelines and in the same manner described in this policy for written physical restraint reports;
(c) The staff member shall verbally inform the principal of its use as soon as possible, and by written report no later than the next school working day. If the principal used seclusion, the principal shall prepare the report and submit it to an individual or team designated by the Board of Trustees for review. The principal shall maintain an on-going record of all reported instances of seclusion;
(d) The principal shall conduct a weekly review of seclusion data to identify students with whom seclusion has been used multiple times during the week, in a manner consistent with the weekly restraint review described in this policy, and shall convene one or more review teams as the principal deems appropriate to assess each student's progress and needs;
(e) The principal shall conduct a monthly review of school-wide seclusion data, in a manner consistent with the monthly restraint review described in this policy;
(f) Match will examine and adopt alternatives and strategies for reducing and eliminating the use of seclusion no later than August 17, 2029; and
(g) Match will report the use of seclusion to DESE in the manner, form, and with the frequency specified by DESE.

How Should Physical Restraint be Administered?

1. Trained personnel:

Only Match personnel who have received training pursuant to 603 CMR 46.04(2) or 603 CMR 46.04(3) shall administer physical restraint on students. To the greatest degree possible, another adult who does not participate in the restraint should witness administration of a restraint. However, nothing in 603 CMR 46.00 or this policy shall preclude an employee or agent of Match from using reasonable force to protect students, other persons, or themselves from assault or imminent, serious physical harm.

2. Use of force:

Any individual(s) administering physical restraint shall use only the amount of force necessary to protect the student or others from physical injury or harm.

3. Safety requirements:

(a) Restraint will be administered in a manner so as to prevent or minimize physical harm to the student.
(b) Restraint will not be administered in a manner that prevents the student from speaking or breathing.
(c) During a restraint, a staff member shall continuously monitor the physical status of the student including skin temperature and color, and respiration.
(d) If at any time during the restraint the student displays significant physical distress, the restraint will immediately terminate and medical assistance will be sought.
(e) Staff will review and take into consideration any known medical or psychological limitations, known or suspected trauma history, and/or behavioral intervention plans regarding physical restraint on an individual student.
(f) Staff administering physical restraint will use the safest method available that is appropriate to the situation.
(g) Floor restraints are prohibited unless the staff members administering the restraint have received in-depth training in the use of physical restraint and, in the judgment of those trained staff members, such method is required to provide safety for the student or others present.
(h) Restraint will immediately terminate when the staff member determines that the student is no longer at risk of causing imminent physical harm to them self or others or the student indicates that the student cannot breathe or appears to be in severe distress such as having difficulty breathing or sustained or prolonged crying or coughing.
(i) If a student is restrained for a period longer than 20 minutes, staff shall obtain the approval of the principal, which shall be based upon the student's continued agitation during the restraint justifying the need for continued restraint.
(j) After release of a student from restraint, Match personnel shall review the incident with the student to discuss the behavior that led up to the incident. The principal will review the incident with the staff member who administered the restraint to ensure that proper procedures were followed and to consider if any follow-up is appropriate for students who may have been present during the restraint.

When and How Should a Restraint be Reported?

1. When restraint must be reported:

Any staff member who administers a restraint shall verbally inform the principal as soon as possible and by written report no later than the next school working day. If the principal has administered the restraint, then the principal shall prepare the report and submit it to the Executive Director, whom the Board of Trustees designates for this purpose, for review. The principal or the principal's designee shall maintain all such reports on file, as well as an on-going record of all reported instances of physical restraint, which shall be made available for review by the parent or DESE upon request.

2. Informing parents:

The principal or the principal's designee shall verbally inform the student's parent of the restraint within 24 hours of the event and by written report emailed or postmarked no later than three school working days following the use of restraint. If the language of the home is other than English, the written restraint report shall be provided to the parent in English and in the language of the home. The principal will provide the parents and student an opportunity to comment orally and in writing on the use of the restraint and the information in the written report.

3. Reporting to DESE:

In the event a restraint results in any injury to a student or staff member, Match must report the restraint to DESE using the form and process specified by DESE, currently the Restraint Data Collection Tool available through DESE's Security Portal. In all such cases, a copy of the written restraint report required by 603 CMR 46.06(4) and a copy of the record of physical restraints maintained by the principal for the 30-day period prior to the restraint must be sent to DESE, postmarked no later than three school working days after the restraint. DESE will inform Match if any further action is required within 30 calendar days of receipt of the written report.

Match must also annually report to DESE data regarding the use of physical restraint.

Administrative Review

On a weekly basis, the principal shall conduct a weekly review of restraint data to identify students who have been restrained multiple times during the week. If such students are identified, the principal shall convene one or more review teams to assess each student's progress and needs, which shall include the following:

a) Review and discussion of the written reports and comments provided by the students and parents about the use of restraints
b) Analysis of circumstances leading up to each restraint, including time of day, day of week, antecedent events, and individuals involved;
c) Consideration of factors that may have contributed to escalation of behaviors, alternatives to restraint included de-escalation techniques and possible interventions, and such other strategies and decisions as appropriate, with the goal of reducing or eliminating the use of restraint in the future;
d) Consideration of convening an IEP Team meeting if the student has an IEP; and
e) A written plan of action.

In the event that the principal directly participated in the restraint, the Executive Director, as the duly qualified individual designated by the Board of Trustees, shall lead the review team's discussion. A record of each individual student review shall be maintained by the principal or the principal's designee and shall be made available for review by DESE or the parent upon request.

On a monthly basis, the principal shall review all school-wide restraint data and consider patterns of use of restraints by similarities in the time of day, day of the week, or individuals involved; the number and duration of physical restraint school-wide and for individual students; the duration of restraints; and the number and type of injuries, if any, resulting from the use of restraint. The principal shall determine whether it is appropriate to modify the school's restraint prevention and management policy, conduct additional staff training on restraint reduction and prevention strategies, such as training on positive behavioral interventions and supports, or take other action as appropriate to reduce or eliminate restraints.

Training Requirements

At the beginning of each school year, the principal of each school is required to identify program staff to be responsible for administering proper physical restraint procedures. These individuals will participate in an in-depth training in the use of physical restraint and appropriate de-escalation methods. This in-depth training will be competency-based and be approximately 16 hours in length and include one refresher training every year thereafter. This in-depth training will include:

- Appropriate procedures for preventing the use of physical restraint, including de-escalation of problematic behavior, relationship building, and the use of alternatives to restraint;
- A description and identification of specific dangerous behaviors that may lead to the use of physical restraint and methods for evaluating the risk of harm in individual situations in order to determine whether the use of restraint is warranted;
- The simulated experience of administering and receiving physical restraint, instruction regarding the effects on the person restrained, including instruction on monitoring physical signs of distress and obtaining medical assistance;
- Instruction regarding documentation and reporting requirements and investigation of injuries and complaints;
- Demonstration by participants of proficiency in administering physical restraint; and
- Instruction regarding the impact of restraint on the student and parent, including the psychological, physiological and social-emotional effects.

In addition, all Match staff will receive training about the use of physical restraint before the beginning of the school year, and in no event later than within the first month of the school year, and for employees hired after the school year begins, within a month of their employment. This training shall include:

- The role of the student, parent and staff in preventing restraint;
- Interventions that may preclude the need for restraint, including de-escalation of problematic behaviors and other alternatives to restraint in emergency circumstances;
- The program's restraint prevention and behavior support policy and procedures, including use of time-out as a behavior support strategy distinct from seclusion;
- When behavior presents an emergency that requires physical restraint, the types of permitted physical restraint and related safety considerations, including information regarding the increased risk of injury to a student when any restraint is used, particularly a restraint of extended duration;
- Administering physical restraint in accordance with medical or psychological limitations, known or suspected trauma history, and/or behavioral intervention plans applicable to an individual student; and
- Identification of program staff who have received in depth training.

Prevention of Violence and Family Engagement

Match shall develop and distribute to staff and parents methods for preventing student violence, self-injurious behavior and suicide, including individual crisis planning and de-escalation of potentially dangerous behavior occurring among groups of students or with individual students.

In addition, Match will arrange a meeting with families on an annual basis to discuss restraint prevention and the use of restraint solely as an emergency procedure. At this meeting, families will obtain information about this policy and methods of de-escalation, as well as have the opportunity to ask questions and provide feedback to Match personnel.

Complaint Procedures

In the event a student or parent has a complaint about restraint practices at Match, such student or parent should contact the principal at the student's school and inform the principal about the details and circumstances around the complaint. Upon receipt of a complaint, the principal or designee shall promptly and thoroughly investigate the complaint by interviewing the student, the person(s) administering the restraint, and any other staff or students who witnessed the incident. The principal or the principal's designee shall document all steps taken in the investigation and, along with other Match personnel as deemed appropriate, shall make a determination about whether the restraint about which the complaint was made was administered in accordance with this policy and the law, and convey the determination to the complainant. If a complaint involves the principal, the complainant should contact the Executive Director.

Any Match staff member who has violated this policy may be disciplined at the discretion of the principal (or the Executive Director in the event the principal has administered the restraint), up to and including termination.

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